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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/088, 727 06/02/98 FRY

M 36-1227

TM02/0619

EXAMINER

NIXON & VANDERHYE
8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON VA 22201

KANG, P
 ART UNIT PAPER NUMBER

2152
DATE MAILED:

06/19/01

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/088,727	FRY ET AL.	
	Examiner	Art Unit	
	Paul H Kang	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-8,10,11 and 15 is/are rejected.
- 7) Claim(s) 3 and 9 is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 March 2000 is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on 08 March 2000 is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

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1. Claims 1-11 and 15 are now pending. Claims 1-11 were originally filed. The Applicant added new claims 11-14 in an amendment filed January 25, 1999 (paper no. 6). These claims were renumbered 12-15 in accordance with CFR 1.126.

During the telephone interview of November 14, 2000 (interview summary paper 14), Mr. Nixon indicated to examiner Farahi that the newly added claims found in paper no. 6 were erroneously filed in the present application and requested that the amendment be withdrawn from record.

In the amendment filed March 29, 2001, the Applicant formally cancelled claims 12-14, but not claim 15. The examiner believes that the Applicant intended to cancel all claims added by amendment of paper no. 6, including claim 15. The Applicant is requested to formally cancel claim no. 15.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 15 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 6 and 14. In that paper, applicant has stated claim 15 was erroneously filed in the present application, and this statement indicates that the invention is different from what is defined in the claim(s).

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4. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 8, 2000 has been approved. The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected.

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the TCP and UDP protocol implementation and data format transforming from the first encoding format to the second encoding format must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-2, 4-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Katseff et al., US Pat. No. 6,075,796.

8. As to claims 1, 6, and 11, Katseff discloses:

a World Wide Web (WWW) server, a client computer, and at least one dynamic proxy server computer (figure 4 and col. 1, line 16 – col. 2, line 55),
said dynamic proxy server computer being located in a communications network such that it is in a communications route intermediate a server computer and a client computer (figure 4, POP 84),

the dynamic proxy server computer being configured to receive data transmitted in a first data format from said server computer, to transform received data to a second data format from said first data format without substantially changing the information content of said data and to transmit the transformed said data to the client computer in said second data format (col. 2, line 19-51 and col. 5, line 63 – col. 6, line 55).

9. As to claims 2 and 8, Katseff teaches a system wherein said data is transmitted from the first server computer to the second server computer using a first transport protocol (UDP) and

the transformed data is transmitted from the second server computer to the client using a second transport protocol (TCP) (col. 5, line 63 – col. 6, line 55).

10. As to claims 4 and 7, Katseff teaches the transforming performed by the dynamic proxy server computer is determined by the content of a protocol downloaded from a third server computer (col. 5, line 62 – col. 7, line 29).

11. As to claim 5 and 10, Katseff discloses a system wherein said first server computer is a WWW server (abstract and figure 4).

12. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance that the prior art of record does not teach the limitations as set forth in the pending claims. The new grounds of rejection maps the limitations found in the pending claims to those sections of Katseff which teach those limitations.

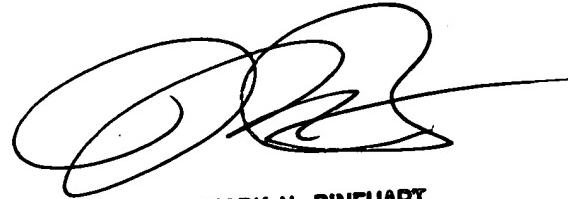
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Paul H Kang
Examiner
Art Unit 2152

June 18, 2001



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100